

H.R. REP. 95-343(I), H.R. REP. 95-343, H.R. Rep. No. 343(I), 95TH Cong., 1ST Sess. 1977, 1978 U.S.C.C.A.N. 1966, 1977 WL 9636 (Leg.Hist.)

**\*\*1 \*1966 P.L. 95-396, FEDERAL PESTICIDE ACT OF 1978**  
SEE PAGE 92 STAT. 819  
SENATE REPORT (AGRICULTURE, NUTRITION, AND FORESTRY  
COMMITTEE) NO. 95-334, JULY 6, 1977 (TO ACCOMPANY  
S. 1678)  
HOUSE REPORT (AGRICULTURE COMMITTEE) NO. 95-343, MAY 16,  
JUNE 1, 1977 (TO ACCOMPANY H.R. 7073)  
HOUSE REPORT (AGRICULTURE COMMITTEE) NO. 95-663, OCT. 5,  
1977 (TO ACCOMPANY H.R. 8681)  
SENATE CONFERENCE REPORT NO. 95-1188, SEPT. 12, 1978 (TO  
ACCOMPANY S. 1678)  
HOUSE CONFERENCE REPORT NO. 95-1560, SEPT. 12, 1978 (TO  
ACCOMPANY S. 1678)  
CONG. RECORD VOL. 123 (1977)  
CONG. RECORD VOL. 124 (1978)  
DATES OF CONSIDERATION AND PASSAGE  
SENATE JULY 29, 1977; SEPTEMBER 18, 1978  
HOUSE OCTOBER 31, 1977; SEPTEMBER 19, 1978  
THE SENATE BILL WAS PASSED IN LIEU OF THE HOUSE BILLS AFTER  
AMENDING ITS LANGUAGE TO CONTAIN MUCH OF THE TEXT OF THE  
HOUSE BILLS. THE HOUSE REPORTS (THIS PAGE,  
P. 1986, P. 1988) AND THE HOUSE CONFERENCE REPORT  
(P. 2043) ARE SET OUT.

(CONSULT NOTE FOLLOWING TEXT FOR INFORMATION  
ABOUT OMITTED MATERIAL. EACH COMMITTEE REPORT IS A SEPARATE DOCUMENT ON  
WESTLAW.)

HOUSE REPORT 95-343(I)  
MAY 16, 1977

THE COMMITTEE ON AGRICULTURE, TO WHOM WAS REFERRED THE BILL (H.R. 7073), TO EXTEND  
THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED, HAVING CON-  
SIDERED THE SAME, REPORT \*1967 FAVORABLY THEREON WITH AN AMENDMENT AND RECOM-  
MEND THAT THE BILL AS AMENDED TO PASS.

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BRIEF EXPLANATION OF THE LEGISLATION

H.R. 7073 EXTENDS THE AUTHORIZATION FOR FUNDING OF PESTICIDE PROGRAMS ESTABLISHED  
PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA), AS  
AMENDED, THROUGH FISCAL 1978 AT A LEVEL OF \$49,300,000.  
IN ADDITION, H.R. 7073 PROVIDES AUTHORIZATION FOR FUNDING OF THESE PROGRAMS FOR THE

CURRENT FISCAL YEAR AT \$46,636,000. THIS IS THE AMOUNT APPROPRIATED BY LAW (P.L. 94-378, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS MEASURE FOR FISCAL 1977, AND P.L. 95-26, THE SUPPLEMENTAL FOR FISCAL 1977).

#### PURPOSE AND NEED FOR THE LEGISLATION

H.R. 7073 IS NECESSARY TO PROVIDE FUNDING AUTHORITY FOR PESTICIDE PROGRAMS ESTABLISHED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED, THROUGH FISCAL 1978.

WITHOUT ENACTMENT OF THIS LEGISLATION, THERE WOULD BE NO AUTHORITY FOR FUNDING OF THESE PROGRAMS AFTER SEPTEMBER 30, 1977.

IN ADDITION, H.R. 7073 BRINGS THE LEVEL IN THE AUTHORIZING ACT TO THE AMOUNT APPROPRIATED BY LAW FOR FISCAL 1977 AND EXPECTED TO BE EXPENDED FOR PESTICIDE PROGRAMS CONDUCTED BY EPA.

THE COMMITTEE WISHES TO POINT OUT THAT THE AUTHORIZATION LEVEL IN H.R. 7073 ENCOMPASSES ALL PESTICIDE PROGRAMS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY, INCLUDING PESTICIDES RESEARCH IN THE HEALTH AND ECOLOGICAL EFFECTS PROGRAM.

ON APRIL 19, 1977, THE HOUSE APPROVED H.R. 5101, A BILL TO AUTHORIZE APPROPRIATIONS FOR ACTIVITIES OF THE ENVIRONMENTAL PROTECTION AGENCY, AND FOR OTHER PURPOSES. INCLUDED IN THAT MEASURE WAS LANGUAGE AUTHORIZING THE APPROPRIATION OF \$10,756,000 FOR PESTICIDES ACTIVITIES IN THE HEALTH AND ECOLOGICAL EFFECTS PROGRAM.

\*\*2 DURING HOUSE CONSIDERATION, AN AMENDMENT WAS AGREED TO PROVIDING THAT NO PART OF THE FUNDS AUTHORIZED FOR PESTICIDES ACTIVITIES IN THE HEALTH AND ECOLOGICAL EFFECTS PROGRAM SHALL BE OBLIGATED OR EXPENDED UNLESS FURTHER AUTHORIZED BY LAW. H.R. 7073 PROVIDES THE ADDITIONAL AUTHORITY ENVISIONED BY THE AMENDMENT TO H.R. 5101 FOR OBLIGATION AND EXPENDITURE OF FUNDS FOR PESTICIDES RESEARCH IN THIS AREA.

THUS, OF THE TOTAL AMOUNT AUTHORIZED BY H.R. 7073, A PORTION IS DESIGNED FOR PESTICIDES RESEARCH AS SET FORTH BY H.R. 5101; THE BALANCE IS FOR ALL OF THE OTHER PESTICIDE PROGRAMS CONDUCTED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED.

#### COMMITTEE CONSIDERATION HEARINGS

GENERAL OVERSIGHT HEARINGS WERE HELD BY THE FULL COMMITTEE ON AGRICULTURE ON MARCH 7-9, 1977. TESTIMONY WAS RECEIVED FROM 31 \*1968 WITNESSES, INCLUDING ADMINISTRATOR-DESIGNATE DOUGLAS M. COSTLE OF THE ENVIRONMENTAL PROTECTION AGENCY, MEMBERS OF CONGRESS, BASIC MANUFACTURERS OF TECHNICAL GRADE MATERIAL FOR PESTICIDES, FORMULATORS, FARM AND SPECIALTY USER GROUPS, WITNESSES FROM THE STATE DEPARTMENTS OF AGRICULTURE AND THE STATE EXTENSION SERVICES, AND WITNESSES FROM CONSERVATION AND ENVIRONMENTAL GROUPS.

GENERALLY WITNESSES APPEARING BEFORE THE COMMITTEE WERE CRITICAL OF EPA'S IMPLEMENTATION AND INTERPRETATION OF THE ACT. NUMEROUS COMPLEX AND HIGHLY CONTROVERSIAL ISSUES WERE IDENTIFIED AND DISCUSSED AT LENGTH IN TESTIMONY. WITNESSES IDENTIFIED THE FOLLOWING ISSUES AND DISCUSSED AT SOME LENGTH THE PROBLEMS WHICH THEY FACED AS A RESULT OF EPA IMPLEMENTATION OF THE ACT:

(1) LENGTH OF EXTENSION OF FUNDING AUTHORIZATION.-- A VAST MAJORITY OF THE WITNESSES ASKED THAT AUTHORIZATION FOR FUNDING BE LIMITED, SUGGESTING A RANGE OF BETWEEN 6 AND 18 MONTHS.

(2) ESTABLISHMENT OF TIME DEADLINES FOR THE AGENCY TO COMPLETE ACTIONS PARTICU-

LARLY WITH REGARD TO CLASSIFICATION AND REREGISTRATION OF PESTICIDES.-- THERE WAS GENERAL AGREEMENT AMONG THE WITNESSES THAT THE AGENCY WOULD BE UNABLE TO MEET THE MANDATED DEADLINE OF OCTOBER 1, 1977, TO COMPLETE THE REREGISTRATION PROCESS FOR A VARIETY OF REASONS. THERE WAS SOME DISAGREEMENT AMONG THE WITNESSES RELATIVE TO THE EFFECT OF IMPOSING ADDITIONAL RIGID TIMETABLES FOR COMPLETION OF AGENCY ACTION.

(3) EPA INTERPRETATION OF DEFINITIONS INCLUDED IN THE ACT.-- CERTAIN OF THE WITNESSES INDICATED CONCERN OVER THE AGENCY'S INTERPRETATION OF THE DEFINITION OF 'IMMINENT HAZARD' AS USED IN THE ACT.

(4) SEPARATION OF CLASSIFICATION OF PESTICIDES FROM THE REREGISTRATION PROCESS.-- A NUMBER OF WITNESSES INDICATED THAT CLASSIFICATION OF PESTICIDES SHOULD BE SEPARATED FROM REGISTRATION AND REREGISTRATION OF PESTICIDES. THE AGENCY CONCURRED IN THIS OBSERVATION TO ALLOW CLASSIFICATION TO PROCEED ON SCHEDULE.

(5) DELAY IN OBTAINING REGISTRATION OF PESTICIDES.-- SEVERAL OF THE WITNESSES FROM THE AGRICULTURAL CHEMICAL SECTOR INDICATED A DESIRE TO EXPEDITE REGISTRATION OF PESTICIDES AND SUPPORTED ADDITIONAL PROVISIONS TO BE INCLUDED IN THE ACT TO ALLOW FOR CONDITIONAL REGISTRATION OF PESTICIDES. WHILE NOT OBJECTING GENERALLY TO THE IDEA OF CONDITIONAL REGISTRATIONS, CONSERVATION AND ENVIRONMENTAL SPOKESMEN FELT THAT CONDITIONAL REGISTRATION SHOULD BE LIMITED TO EXISTING USES, RATHER THAN BEING ALLOWED FOR NEW USES OF A REGISTERED PESTICIDE OR FOR THE REGISTRATION OF A NEW CHEMICAL.

**\*\*3** (6) COMPENSATION AND USE OF DATA.-- SECTION 3(C)(1)(D) OF THE ACT, WHICH DEALS WITH COMPENSATION FOR DATA USED IN OBTAINING THE REGISTRATION OF A PESTICIDE, WAS THE SUBJECT OF TREMENDOUS CONTROVERSY BETWEEN THE BASIC MANUFACTURERS OF TECHNICAL GRADE MATERIAL AND PESTICIDE FORMULATORS. BASICALLY, THE CONTROVERSY INVOLVED ATTEMPTS TO DETERMINE WHAT DATA WOULD BE COMPENSABLE, THE LENGTH OF THE COMPENSATION PERIOD, AND A FORMULA FOR DETERMINING REASONABLE COMPENSATION FOR DATA ON FILE WITH EPA IN SUPPORT OF ADDITIONAL REQUESTS FOR REGISTRATION. MAJOR MANUFACTURERS STRESSED THE NEED FOR COMPENSATION PROVISIONS AND ITS PROTECTION AS WELL AS AN EXCLUSIVE USE PERIOD AS A MEANS OF ASSURING CONTINUED RESEARCH AND DEVELOPMENT IN THE PESTICIDE FIELD.

**\*1969** (7) DATA REQUIREMENTS FOR REGISTRATION OF A PESTICIDE.-- THERE WAS SOME CONTROVERSY AMONG THE WITNESSES REGARDING THE EXTENT OF DATA REQUIRED BY EPA TO OBTAIN A REGISTRATION FOR A PESTICIDE.

(8) VALIDITY OF TEST DATA IN EPA FILES.-- THERE WAS SOME CONTROVERSY AMONG THE WITNESSES RELATIVE TO THE VALIDITY OF TEST DATA ON FILE WITH THE ENVIRONMENTAL PROTECTION AGENCY WHICH WAS SUBMITTED TO OBTAIN EXISTING PESTICIDE REGISTRATIONS. INVESTIGATIONS IN EARLY 1976 BY THE GOVERNMENT ACCOUNTING OFFICE, FOOD AND DRUG ADMINISTRATION, AND A SENATE JUDICIARY SUBCOMMITTEE FOUND QUESTIONABLE LABORATORY TESTS WERE PERFORMED IN SOME CASES.

(9) THE CONCEPT OF TRADE SECRETS IN THE ACT.-- THERE WAS EXTENSIVE CONTROVERSY AMONG THE WITNESSES RELATIVE TO SECTION 10 OF THE ACT, PERTAINING TO TRADE SECRET CLAIMS OF THE FIRMS WHO HAVE SUBMITTED DATA USED TO OBTAIN REGISTRATION OF A LABEL FOR A PESTICIDE. ENVIRONMENTAL AND CONSERVATION WITNESSES INDICATED A DESIRE TO MAKE PUBLIC AS MUCH DATA AS POSSIBLE UNDER SECTION 3(C)(2) OF THE ACT, PARTICULARLY WITH REGARD TO SAFETY, HEALTH, AND ENVIRONMENTAL EFFECTS AND THUS PROTECTING THE PEOPLE'S RIGHT TO KNOW THE BASIS FOR THE AGENCY'S DECISION ON A REQUEST FOR A REGISTRATION.

FORMULATOR GROUPS GENERALLY WERE DESIROUS OF ACCESS TO INFORMATION NOT SPECIFICALLY IDENTIFIED IN THE LEGISLATION AS A LEGITIMATE TRADE SECRET SO AS TO OBTAIN REVIEW OF THIS DATA.

ON THE OTHER HAND, TECHNICAL GRADE MANUFACTURERS INDICATED A DESIRE TO PRE-

SERVE THE PROTECTION OF TRADE SECRET PROVISIONS OF SECTION 10, PROVISIONS WHICH PROVIDE OPPORTUNITY TO ASSERT CONFIDENTIALITY FOR BROAD CLASSES OF INFORMATION SUBMITTED TO EPA IN SUPPORT OF A REQUEST FOR A LABEL OF A PESTICIDE. FURTHER, MAJOR PESTICIDE MANUFACTURERS INDICATED THAT PUBLIC RELEASE OF CERTAIN DATA WOULD PLACE THEM AT A DISADVANTAGE IN COMPETITION WITH FOREIGN MANUFACTURERS WHO COULD USE SUCH DATA AS A MEANS OF ENTERING FOREIGN MARKETS IN COMPETITION WITH U.S. FIRMS.

SOME WITNESSES SUGGESTED A PROCEDURE WHEREBY THE AGENCY COULD REVIEW THIS MATERIAL 'IN HOUSE' TO SUPPORT ADDITIONAL REGISTRATIONS. A MAJORITY OF THE WITNESSES INDICATED A DESIRE TO RESOLVE THIS MATTER AND SOUGHT CLARIFICATION FROM CONGRESS THROUGH LEGISLATION.

**\*\*4** (10) THE MINOR USE PROBLEM.-- VIRTUALLY ALL OF THE VARIOUS PESTICIDE USER GROUPS DISCUSSED AT LENGTH PROBLEMS WHICH THEY FACED IN OBTAINING PESTICIDES FOR SO-CALLED MINOR USES; THAT IS, THOSE USES FOR WHICH THE PESTICIDE MANUFACTURER OR FORMULATOR WERE UNABLE TO OBTAIN SUFFICIENT MARKET INTEREST TO JUSTIFY THE EXPENSE INVOLVED IN SEEKING A NEW LABEL OR AMENDING AN EXISTING LABEL TO INCLUDE SUCH A USE.

(11) USE OF A PESTICIDE IN A MANNER CONSISTENT WITH THE LABEL.-- THE VARIOUS USER GROUPS AND THE STATE ENFORCEMENT AGENCIES (AS REPRESENTED BY THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE AND THE ASSOCIATION OF AMERICAN PESTICIDE CONTROL OFFICIALS AND VARIOUS STATE GROUPS) INDICATED STRONG CONCERN OVER THE AGENCY'S STRICT INTERPRETATION OF SECTION 12(A)(2)(G), PROVISIONS RELATING TO THE USE OF A PESTICIDE INCONSISTENT WITH ITS LABEL.

(12) ENFORCEMENT POLICIES.-- A NUMBER OF WITNESSES, AS A COROLLARY TO THE ABOVE ISSUE, INDICATED THEIR CONCERN OVER THE AGENCY'S PESTICIDE ENFORCEMENT POLICY STATEMENTS, AN ADMINISTRATIVE PROCEDURE ADVANCED BY EPA TO PROVIDE RELIEF TO THE PESTICIDE USER IN CERTAIN INSTANCES BY PERMITTING DEVIATIONS FROM LABELS AS A MATTER OF PROSECUTORIAL DISCRETION.

**\*1970** (13) AGENCY CANCER PRINCIPLES.-- THERE WAS CONCERN EXPRESSED BY SOME WITNESSES RELATIVE TO EPA'S EVALUATION OF THE RISK OF CANCER FROM PESTICIDES. FURTHER SOME WITNESSES INDICATED A DESIRE TO SEE GREATER COORDINATION BETWEEN THE VARIOUS FEDERAL AGENCIES INVOLVED AND THE DEVELOPMENT OF A NATIONAL CANCER POLICY.

(14) CERTIFICATION OF APPLICATORS.-- A NUMBER OF SUGGESTIONS WERE PROPOSED TO THE COMMITTEE, INCLUDING ESTABLISHING A THIRD CATEGORY OF APPLICATORS TO ALLOW A PRIVATE APPLICATOR TO BE CERTIFIED TO USE RESTRICTED USE PESTICIDES IN CERTAIN LOW-RISK, NONAGRICULTURAL USE SITUATIONS ON HIS OWN PROPERTY; REQUIRING AN OPPORTUNITY FOR A HEARING SHOULD THE AGENCY DISAPPROVE OF A STATE PLAN OR A PLAN SUBMITTED BY A FEDERAL AGENCY, OR IF THE AGENCY FINDS THAT ANY APPROVED PLAN IS BEING IMPROPERLY ADMINISTERED; AND TURNING THE CERTIFICATION OF APPLICATORS WHOLLY OVER TO THE STATES AND ABOLISHING FEDERAL GUIDELINES FOR CERTIFICATION. COMMERCIAL APPLICATORS TESTIFIED SEEKING TO BE REGULATED THROUGH CERTIFICATION, AND NOT AS SELLERS OR DISTRIBUTORS.

(15) NOTICE OF REBUTTABLE PRESUMPTION AGAINST REGISTRATION.-- SEVERAL OF THE WITNESSES DISCUSSED AT LENGTH THE CRITERIA USED BY THE AGENCY TO TRIGGER A NOTICE OF REBUTTABLE PRESUMPTION AGAINST REGISTRATION (RPAR). UNDER THIS ADMINISTRATIVE PROCEDURE ESTABLISHED BY THE AGENCY, SUSPECT CHEMICALS ARE REVIEWED, AND WHEN THE AGENCY DETERMINES THAT THERE IS SOME EVIDENCE TO INDICATE THE POSSIBILITY OF EITHER ENVIRONMENTAL OR HEALTH HAZARD, AN RPAR, OR PUBLIC NOTICE, IS ISSUED SEEKING INFORMATION FROM MANUFACTURERS, USERS AND OTHER INTERESTED PARTIES TO REBUT THE PRESUMPTION OF RISK BASED ON THE CITED EVIDENCE AND TO SUBMIT INFORMATION ABOUT BENEFITS DERIVED FROM THE USE OF THE PESTICIDE. SOME OF THE WITNESSES EXPRESSED CONCERN OVER THE VALIDITY OF THE RISK CRITERIA USED AND INDICATED SOME CONCERN

OVER THE EFFECT OF SUCH A NOTICE ON THE MARKET APPEAL OF THE PESTICIDE.

**\*\*5** (16) EXPERIMENTAL USE PERMITS.-- ONE OF THE WITNESSES TESTIFIED ASKING THAT THE AGENCY BE REQUIRED TO REACH A DECISION ON A REQUEST FOR AN EXPERIMENTAL USE PERMIT WITHIN A CERTAIN TIME PERIOD.

(17) METHODS OF HANDLING PESTICIDES IDENTIFIED AS HAZARDOUS.-- CERTAIN OF THE WITNESSES ASKED THE COMMITTEE TO INSTRUCT THE AGENCY TO TRY RESTRICTIVE CLASSIFICATIONS OF PESTICIDES AND/OR CHANGES IN LABELLING REQUIREMENTS PRIOR TO MOVING AGAINST A PESTICIDE EITHER TO CANCEL OR SUSPEND ITS USE.

(18) PENALTIES.-- THE COMMITTEE WAS URGED TO MANDATE AN INDEPENDENT REVIEW OF THE REASONABLENESS OF EPA'S ENFORCEMENT POLICIES, PROCEDURES, AND THE ASSESSMENT SCHEDULE FOR CIVIL PENALTIES. AS TO LAST ITEM, ONE OF THE WITNESSES ASKED THAT THE COMMITTEE DIRECT THE AGENCY TO BASE THE ASSESSMENT OF CIVIL PENALTIES ON THE SEVERITY OF THE DAMAGE CAUSED TO HEALTH AND THE ENVIRONMENT AND THAT A MAXIMUM PENALTY BE ESTABLISHED.

(19) INDEMNITIES.-- ENVIRONMENTAL SPOKESMEN URGED THE COMMITTEE TO REPEAL THE INDEMNITIES SECTION OF FIFRA.

(20) RESEARCH AND MONITORING.-- ONE OF THE WITNESSES ASKED THAT AN INDEPENDENT SERVICE AGENCY BE ESTABLISHED TO MONITOR AND TO GENERATE PRIORITY RESEARCH DATA REQUIRED BY THE AGENCY. ENVIRONMENTAL SPOKESMEN ASKED THAT MORE EMPHASIS BE PLACED IN INTEGRATED PEST MANAGEMENT TECHNIQUES. ANOTHER WITNESS ASKED THAT MORE RESOURCES BE DEVOTED TO THE PESTICIDE EPISODE REVIEW BRANCH AS A CENTRALIZED FUNCTION SO AS TO PRESERVE ACCIDENT REPORTING.

**\*1971** (21) AUTHORITY OF STATES TO REGISTER PESTICIDES FOR LOCAL NEEDS.-- WITNESSES ASKED THE COMMITTEE TO AMEND SECTION 24(C) OF THE ACT TO ALLOW THE STATES TO BE THE SOLE AUTHORITY IN DETERMINING REGISTRATION FOR SPECIAL LOCAL NEEDS.

(22) SCIENTIFIC ADVISORY PANEL.-- A NUMBER OF WITNESSES OFFERED COMMENTS IN THIS AREA, PARTICULARLY AS TO THE PANEL'S MAKEUP AND THE PANEL'S RELATIONSHIP TO THE EPA. THERE WAS SOME CONCERN THAT THE PANEL WAS NOT IN FACT INDEPENDENT OF THE AGENCY.

(23) TRANSFER TO USDA.-- TWO FARM GROUPS TESTIFIED URGING THE COMMITTEE TO TRANSFER AUTHORITY OVER THE PESTICIDE PROGRAMS TO THE DEPARTMENT OF AGRICULTURE.

(24) AGRICULTURAL IMPACT STATEMENTS.-- THE COMMITTEE WAS URGED TO STRENGTHEN PROVISIONS OF THE ACT REQUIRING THE AGENCY TO PREPARE AN AGRICULTURAL IMPACT STATEMENT RELATIVE TO ANY FUTURE PESTICIDE CANCELLATIONS OR SUSPENSIONS.

(25) PARTICULAR PESTICIDE PROBLEMS.-- THREE SPECIFIC PROBLEM AREAS WERE IDENTIFIED: PREDATOR CONTROL AND THE USE OF THE PESTICIDE 1080; MIREX, OR THE CONTROL OF FIRE ANTS; AND, AGENCY ACTION IN CONVENING AN INFORMATIONAL HEARING ON THE PESTICIDE TREFLAN.

THE SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS, OVERSIGHT, AND RESEARCH, CHAIRED BY REPRESENTATIVE E DE LA GARZA OF TEXAS, CONDUCTED TWO ADDITIONAL DAYS OF PUBLIC HEARINGS ON APRIL 26 AND 27 TO CONSIDER SPECIFIC RECOMMENDATIONS FOR CHANGES IN THE ACT.

SIXTEEN WITNESSES TESTIFIED BEFORE THE SUBCOMMITTEE ON APRIL 26 AND OFFERED COMMENTS ADDRESSING THE FOLLOWING SECTIONS OF THE ACT:

**\*\*6** SECTION 2, DEFINITIONS; SECTION 3(C)(1)(D), DATA COMPENSATION; SECTION 3(C)(5), APPROVAL OF REGISTRATION; SECTION 4, USE OF RESTRICTED USE PESTICIDES AND CERTIFIED APPLICATORS; SECTION 5, EXPERIMENTAL USE PERMITS; SECTION 6(B)(2), CANCELLATION AND CHANGE OF CLASSIFICATION; SECTION 10, TRADE SECRETS; SECTION 12(A)(2)(G), USE OF A PESTICIDE IN A MANNER INCONSISTENT WITH ITS LABEL; SECTION 14, PENALTIES; SECTION 17(A), REGISTRATION OF PESTICIDES INTENDED SOLELY FOR EXPORTS PRESENTLY EXEMPTED FROM REGISTRATION AND OTHER PROVISIONS OF THE ACT; SECTION 23(A)(2), STATE COOPERATION, AID, AND TRAINING; SECTION 24, AUTHORITY OF THE STATES; AND SECTION 25(B) AUTHORITY OF THE ADMINISTRATOR TO EXEMPT PESTICIDES.

TESTIMONY ON APRIL 26 ALSO ADDRESSED OTHER AREAS OF CONCERN TO THE WITNESSES.

GENERALLY, THE MAJOR ISSUES PROVOKING CONTROVERSY WERE SECTION 3(C) (1)(D), DATA COMPENSATION, AND SECTION 10, TRADE SECRET PROVISIONS. THERE WAS ALSO MAJOR EMPHASIS IN THE HEARINGS REGARDING THE PROBLEMS SURROUNDING AGENCY INTERPRETATION OF SECTION 12(A)(2)(G), DEALING WITH THE USE OF A PESTICIDE IN A MANNER INCONSISTENT WITH ITS LABEL.

ON APRIL 27TH, NINE WITNESSES, INCLUDING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE ASSISTANT SECRETARY FOR CONSERVATION, RESEARCH, AND EDUCATION OF THE DEPARTMENT OF AGRICULTURE, APPEARED BEFORE THE SUBCOMMITTEE.

ADMINISTRATOR COSTLE PRESENTED THE FOLLOWING TESTIMONY TO THE SUBCOMMITTEE AND COMMENTED REGARDING A PROPOSED BILL ADDRESSING SOME OF THE PROBLEMS IDENTIFIED IN THE HEARINGS:

**\*1972 STATEMENT OF HON. DOUGLAS M. COSTLE, ADMINISTRATOR,**

**ENVIRONMENTAL PROTECTION AGENCY**

GOOD AFTERNOON, MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE. I AM PLEASED TO BE HERE TO DISCUSS FURTHER WITH YOU THE IMPLEMENTATION OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA), AND TO GET DOWN TO SPECIFICS ABOUT CORRECTING THE DIFFICULTIES WHICH CURRENTLY BESET THE PESTICIDES REGULATORY PROGRAM. I HAVE WITH ME EPA OFFICIALS WHO CAN HELP CLARIFY THESE MOST COMPLEX MATTERS.

WHEN I WAS HERE ON MARCH 9, THE AGENCY PRESENTED TESTIMONY WHICH GAVE SOME BACKGROUND ON THE PROBLEM AREAS, WITH PARTICULAR EMPHASIS ON USE AND VALIDATION OF DATA, PROFFERED SOME POSSIBLE SOLUTIONS AND ASKED THE COMMITTEE TO HELP US THINK THROUGH THESE PROBLEMS IN ORDER TO FIND THE BEST SOLUTIONS. WE HAVE STAYED IN CONTACT WITH THE COMMITTEE STAFF SINCE THAT TIME, AND HAVE CIRCULATED OUR THOUGHTS ABOUT POSSIBLE AMENDATORY LANGUAGE TO THE COMMITTEE AND INTERESTED PARTIES AS WELL. WE HAVE PURSUED RESOLUTION OF THESE ISSUES IN DISCUSSIONS WITHIN THE EXECUTIVE BRANCH. THE FORMAL SUBMISSION OF THE ADMINISTRATION'S AMENDMENTS WILL BE SENT TO THE SPEAKER OF THE HOUSE IN ACCORDANCE WITH THE USUAL PRACTICE. HOWEVER, I HAVE ADVANCE COPIES OF OUR AMENDMENTS FOR THE COMMITTEE TODAY. I URGE YOUR PROMPT AND FAVORABLE ACTION ON THIS PROPOSAL WHICH EMBODIES A LIMITED NUMBER OF CHANGES WHICH ARE CRITICAL TO ENDING THE IMPASSE IN REGISTRATION, AND WHICH RESPOND TO OTHER NEEDS ON WHICH YOUR COMMITTEE HAS HEARD TESTIMONY IN THIS AND PRIOR SESSIONS OF CONGRESS.

**CLASSIFICATION PRIOR TO REREGISTRATION**

**\*\*7** AS WE TESTIFIED LAST MONTH, WE BELIEVE IT IS A WISE COURSE OF ACTION TO SEPARATE THE CLASSIFICATION STEP FROM REREGISTRATION OF CURRENTLY REGISTERED PRODUCTS SO THAT AS MANY RESTRICTED PESTICIDES AS POSSIBLE CAN BE CLASSIFIED BEFORE THE 1978 GROWING SEASON. THE STATES, EXTENSION SERVICE, EPA, AND USERS ALIKE HAVE PUT A GREAT DEAL OF EFFORT INTO THE TRAINING AND CERTIFICATION PROGRAMS, WHICH CAN BE REALIZED IN 1978 ONLY IF WE PROCEED WITH CLASSIFICATION APART FROM FULL REREGISTRATION PROCESS. THE AGENCY HAS BEGUN IMPLEMENTATION OF THIS APPROACH. OUR INTENT TO PROCEED IN THIS DIRECTION WAS PUBLISHED IN THE FEDERAL REGISTER EARLY LAST MONTH, AND WE HAVE PUT TOGETHER A WORK TEAM TO DEVELOP AN IMPLEMENTING REGULATION. OUR GOAL IS TO HAVE A PROPOSED REGULATION BY THIS SUMMER, AND FINAL BY THE FALL, PERMITTING TIME, OF COURSE, FOR THE CONSULTATION PROCESSES WITH THE DEPARTMENT OF AGRICULTURE, THE SCIENTIFIC ADVISORY PANEL, AND THIS COMMITTEE AND YOUR SENATE COUNTER-

PARTS AS REQUIRED BY THE 1975 FIFRA AMENDMENTS.

DEFINE 'TRADE SECRET'

THE ISSUES ASSOCIATED WITH 'TRADE SECRET' ARE CERTAINLY ONE OF THE MOST IMPORTANT, AND CONTROVERSIAL, ORDERS OF BUSINESS BEFORE US TODAY. TWO BASIC ISSUES ARE INVOLVED: WHAT DATA SHOULD BE MANDATORILY AVAILABLE TO ANY PESTICIDE PRODUCER TO SUPPORT PRODUCT REGISTRATION, ADDRESSED IN SECTION 2 OF THE ADMINISTRATION BILL, AND HOW MUCH ACCESS SHOULD THE PUBLIC HAVE TO THE DATA IN EPA FILES?

**\*1973** THE MAJOR DATA-DEVELOPING FIRMS ARE NOW ASSERTING THAT NO ITEM OF TEST DATA-- BE IT A CARCINOGENICITY TEST REPORT, A STUDY OF PESTICIDE RESIDUE LEVELS ON CROPS, AN EFFICACY STUDY, OR WHATEVER-- CAN BE MADE PUBLIC, NOR RELIED UPON BY ANOTHER APPLICANT, UNLESS THE DEVELOPER FIRM CONSENTS OR UNLESS THE DATA HAVE NO SIGNIFICANT VALUE TO OTHER FIRMS. WE DO NOT BELIEVE THAT CONGRESS INTENDED TO ALLOW SUCH A BROAD DEFINITION OF TRADE SECRECY.

BY ENACTING THE SEC. 3(C)(1)(D) COMPENSATION MECHANISM, CONGRESS WISELY PROVIDED DATA DEVELOPERS THE ABILITY TO RECOVER REASONABLE COMPENSATION FROM SUBSEQUENT DATA USERS. BUT THE MAJOR PESTICIDE DEVELOPERS HAVE CLAIMED THEY ARE ALSO ENTITLED TO DETERMINE WHICH APPLICANTS SHALL BE ALLOWED TO USE THIS DATA, AND THUS TO SET THEIR OWN PRICE FOR ITS USE OR REFUSE ACCESS TO IT ALTOGETHER. CONGRESS REJECTED THE 'EXCLUSIVE USE OF DATA' CONCEPT IN 1972 BUT THE MAJOR FIRMS HAVE FOUND THAT THEY CAN OBTAIN 'EXCLUSIVE USE' FOR SOME PERIOD OF TIME SIMPLY BY MAKING VERY BROAD TRADE SECRECY CLAIMS AND ENGAGING EPA IN PROLONGED LITIGATION. WE EXPECT OUR POSITION TO BE UPHELD IN COURT, BUT WE ANTICIPATE THE CASES MAY NOT BE FINALLY DECIDED FOR SEVERAL MORE YEARS, WHEN THE SUPREME COURT RULES. THIS WILL PROVIDE A LENGTHY PERIOD OF EXCLUSIVE USE AND DATA MONOPOLY. AS YOU KNOW, THE MANDATORY LICENSING SCHEME OF SECTION 3(C)(1)(D) CURRENTLY SPECIFIES THAT THE ADMINISTRATOR CANNOT USE DATA PROTECTED BY DISCLOSURE IN SECTION 10 EVEN IF THE APPLICANT HAS MADE AN OFFER TO PAY REASONABLE COMPENSATION. DATA DEVELOPERS CAN INVOKE THE TRADE SECRECY CLAIM AT WILL, THUS DELAYING ACCESS TO THE MARKET PENDING THE OUTCOME OF LITIGATION REGARDLESS OF THE SUBSEQUENT APPLICANT'S WILLINGNESS TO PAY REASONABLE COMPENSATION.

**\*\*8** IF CONGRESS DESIRES EPA TO IMPLEMENT A TRULY MANDATORY DATA LICENSING PROGRAM THROUGH THE SEC. 3(C)(1)(D) MECHANISM, AND DESIRES TO ENCOURAGE COMPETITION AND ACCESS TO THE MARKETPLACE FOR REGISTRANTS WHO DO NOT DEVELOP THEIR OWN DATA, THE REFERENCE TO SECTION 10 SHOULD BE STRICKEN FROM SEC. 3(C)(1)(D). THE RESULT WILL BE THAT ALL DATA CAN BE LICENSED WHETHER OR NOT IT IS A TRADE SECRET. SECTION 2 OF OUR BILL ACCOMPLISHES THIS PURPOSE.

AN EQUALLY IMPORTANT ISSUE IS WHETHER THE INTERESTED PUBLIC SHOULD BE ABLE TO LEARN WHAT TEST REPORTS SHOW ABOUT THE PROPERTIES OF REGISTERED PESTICIDES. WE BELIEVE THAT THE RIGHT TO PUBLIC ACCESS TO DECISION FOUNDATIONS IS VITALLY IMPORTANT. ALMOST ALL OUR DECISIONS CONCERNING PESTICIDES ARE BASED ON THE MEANING OF TEST DATA; PUBLIC AWARENESS OF THE COMPLEXITY OF THESE ISSUES IS CRITICAL TO PUBLIC ACCEPTANCE OF OUR RISK BENEFIT APPROACH. PUBLIC SCRUTINY AND CRITICISM CAN ALSO IMPROVE THE QUALITY AND THOROUGHNESS OF OUR DECISION-MAKING. WE BELIEVE THAT THIS KIND OF PUBLIC SCRUTINY IS WHAT CONGRESS HAD IN MIND WHEN IT INCLUDED THE FIFRA SECTION 3(C)(2) DISCLOSURE REQUIREMENT IN THE 1972 AMENDMENTS. HOWEVER, THE ADMINISTRATION HAS NOT YET DETERMINED HOW TO HARMONIZE THE PUBLIC'S RIGHT TO KNOW WITH THE LEGITIMATE CONCERNS OF BUSINESS THAT THE COMPETITIVE POSITION OF DATA ORIGINATORS SHOULD BE PROTECTED. THEREFORE AT PRESENT WE OFFER NO AMENDMENT RESPECTING DISCLOSURE OF DATA.

A RELATED DATA ISSUE CONCERNS THE PROPER MEANS OF DECIDING THE AMOUNT OF 'REASONABLE COMPENSATION' FOR USE OF DATA. AS YOU KNOW, SEC. 3(C)(1)(D) RECOGNIZES THAT DATA DEVELOPED IN SUPPORT OF REGISTRATION HAS A CONTINUING COMMERCIAL VALUE BEYOND ITS VALUE IN ACHIEVING THE IMMEDIATE REGISTRATION FOR WHICH IT WAS DEVELOPED.

\*1974 YOU HAVE HEARD TESTIMONY FROM FORMULATORS THAT THEY OBJECT TO SIGNING A 'BLANK CHECK' FOR USE OF DATA-- THAT AN OFFER TO PAY REASONABLE COMPENSATION WITHOUT KNOWING WHAT THAT MEANS IN TERMS OF DOLLARS AND CENTS IS UNPALATABLE FROM A BUSINESS POINT OF VIEW. MANY HAVE URGED THIS AGENCY TO ESTABLISH A 'FORMULA' FOR DETERMINING REASONABLE COMPENSATION. FRANKLY, MR. CHAIRMAN, THIS IS AN AREA IN WHICH THE AGENCY FEELS IT LACKS EXPERTISE. THE ADMINISTRATION HAS NOT PROPOSED A STATUTORY CHANGE IN THIS AREA. IN CONSIDERING A PRODUCT EACH APPLICATION FROM A SCIENTIFIC POINT OF VIEW-- TO DECIDE WHETHER THE PRODUCT POSES AN 'UNREASONABLE ADVERSE EFFECT ON THE ENVIRONMENT.' HOWEVER, WE ARE UNCOMFORTABLE IN THE ROLE OF JUDGE AS TO THE ECONOMIC VALUE OF THE DATA IN QUESTION. ESTABLISHING A UNIFORM BUT EQUITABLE COMPENSATION FORMULA ADMINISTRATIVELY WOULD BE MORE DIFFICULT STILL. IT WOULD THUS BE HELPFUL TO APPLICANTS IF THE CONGRESS WOULD MAKE MORE EXPLICIT WHAT FACTORS IT FEELS ARE PERTINENT IN DETERMINING REASONABLE COMPENSATION. IT REALLY MAKES NO DIFFERENCE TO THE AGENCY WHAT FACTORS ARE USED OR WHO IS THE FINAL ADJUDICATOR IN DISPUTES, SO LONG AS WE CAN PROCEED WITH OUR JOP AS PROVIDED BY CURRENT LAW IN THE REGISTRATION AREA DURING THE TIME THAT DISPUTES ARE BEING RESOLVED.

\*\*9 THUS, AS WE SEE IT, THE COMMITTEE HAS SOME DIFFICULT CHOICES TO CONSIDER IN THE DATA AREA-- WHAT DATA SHOULD BE PUBLICLY AVAILABLE, WHETHER TRADE SECRET TEST DATA CAN BE USED BY OTHER APPLICANTS, AND HOW MUST WILL IT COST TO USE ANOTHER'S DATA. AS WE DISCUSSED IN OUR 'FIFRA: IMPACT ON THE INDUSTRY' PAPER, THE ANSWERS TO THOSE QUESTIONS WILL LARGELY DETERMINE THE SIZE AND STRUCTURE OF THE PESTICIDES INDUSTRY IN THE FUTURE.

#### DIMINISH EFFICACY REVIEW

AS WE TESTIFIED EARLIER, WE FEEL THAT FAR TOO MUCH AGENCY TIME IS CURRENTLY BEING SPENT IN REVIEWING EFFICACY DATA WHILE SHORTAGES ABOUND IN THE REREGISTRATION DATA VALIDATION AREAS. SINCE THE REGISTRANT, THE USDA, AND PESTICIDE USERS ARE GENERALLY IN A BETTER POSITION TO JUDGE EFFICACY, PARTICULARLY OF AGRICULTURAL PESTICIDES, WE ARE PROPOSING THAT THE AGENCY SHOULD HAVE EXPLICIT AUTHORITY TO WAIVE THE EFFICACY DATA REQUIREMENT WHEN APPROPRIATE. WE DO NOT BELIEVE THAT THE EFFICACY REQUIREMENT SHOULD BE REMOVED FROM THE ACT ENTIRELY. IT IS IMPORTANT FOR EPA TO CAREFULLY ASSESS EFFICACY IN CERTAIN CASES, SUCH AS HOSPITAL DISINFECTANTS, WHERE PUBLIC HEALTH IS AT STAKE. THE AGENCY SHOULD ALSO HAVE THE AUTHORITY TO CANCEL PRODUCTS WHICH HAVE PROVEN TO BE INEFFECTUOUS. IF THE CONGRESS IS IN AGREEMENT ON THIS POINT, WE FEEL THAT A SPECIFIC INSTRUCTION REGARDING WAIVER OF EFFICACY DATA IN THE ACT WOULD BE IN ORDER. SUGGESTED LANGUAGE TO ACCOMPLISH THIS IS CONTAINED IN SECTION 5 OF OUR PROPOSED BILL.

#### PERMIT CONDITIONAL REGISTRATIONS

AS WE DISCUSSED IN OUR EARLIER TESTIMONY, AND IN DEPTH IN THE 'IMPACTS' PAPER, THE ABILITY TO ISSUE CONDITIONAL REGISTRATIONS IS IMPERATIVE TO A TIMELY AND EQUITABLE REGISTRATION AND REREGISTRATION PROGRAM. AT ISSUE HERE IS WHETHER THERE SHOULD BE A 'DOUBLE STANDARD'-- SHOULD PRODUCTS ALREADY REGISTERED UNDER THE 1947 ACT BE



ALLOWED TO REMAIN ON THE MARKET PENDING FULL DATA VALIDATION AND FILLING OF DATA GAPS \*1975 WHILE IDENTICAL OR SIMILAR 'NEW' PRODUCTS ARE DENIED ACCESS TO THE MARKET? SHOULD NEW USES OF OLD CHEMICALS BE PERMITTED PENDING DATA VALIDATION AND FILLING DATA GAPS? SHOULD CHEMICALS NEVER REGISTERED BEFORE BE PERMITTED ON THE MARKET CONDITIONALLY PENDING COMPLETION OF A NEWLY-REQUIRED TEST?

THE AGENCY IN SECTION 3 OF THE ADMINISTRATION BILL, IS PROPOSING A THREE-PART CONDITIONAL REGISTRATION POLICY:

(1) IDENTICAL OR SUBSTANTIALLY SIMILAR PRODUCTS.-- PRODUCTS CONTAINING AN 'OLD' ACTIVE INGREDIENT WHICH ARE USED IN 'OLD' USE PATTERNS LIKE PRODUCTS ALREADY ON THE MARKET (THE 'ME TOO' CASE) SHOULD BE CONDITIONALLY REGISTERED UNTIL ALL PRODUCTS CONTAINING THAT ACTIVE INGREDIENT ARE SUBJECTED TO THE NEW REGISTRATION REQUIREMENTS DURING REREGISTRATION. THAT IS, ALL PRODUCTS WHICH ARE ALIKE SHOULD BE TREATED ALIKE. THE CONDITIONALLY REGISTERED PRODUCTS WOULD HAVE TO COMPLY WITH THE REREGISTRATION REQUIREMENTS AT THE SAME TIME AS ALL OTHER MANUFACTURERS OF SIMILAR PRODUCTS. THE AGENCY BELIEVES THAT BECAUSE NO NEW USE PATTERN IS INVOLVED IN THESE TYPES OF PRODUCTS, THE EXPOSURE TO THE PUBLIC WOULD NOT BE SIGNIFICANTLY INCREASED, AND THUS THERE WOULD BE NO 'UNREASONABLE ADVERSE EFFECT' FROM THE ADDITION OF THESE PRODUCTS TO THE MARKETPLACE.

\*\*10 UNDER THIS POLICY, AN APPLICANT WOULD HAVE TO SUPPLY OR CITE DATA, AND IF HE IS RELYING ON DATA SUBMITTED AFTER JANUARY 1, 1970, THE AGENCY WILL NOT VALIDATE THAT DATA AT THE TIME OF SUCH A CONDITIONAL REGISTRATION-- VALIDATION WILL BE ACCOMPLISHED SYSTEMATICALLY, CHEMICAL BY CHEMICAL, DURING THE REREGISTRATION PROCESS.

SINCE THERE WOULD BE NO SIGNIFICANT NEW EXPOSURE, EVEN THOSE PRODUCTS CONTAINING AN ACTIVE INGREDIENT WHICH IS A CANDIDATE FOR RPAR, OR WHICH IS SUBJECT TO AN RPAR, WOULD BE ELIGIBLE FOR THIS TYPE OF CONDITIONAL REGISTRATION.

(2) OLD CHEMICAL, NEW USE.-- APPLICANTS SEEKING TO ADD A NEW USE FOR A PRODUCT CONTAINING AND 'OLD' ACTIVE INGREDIENT WOULD ALSO BE ELIGIBLE FOR CONDITIONAL REGISTRATION. IN THESE CASES, THE APPLICANT WOULD HAVE TO SUBMIT OR CITE DATA PERTAINING TO THE DIFFERENCE BETWEEN THE OLD USE PATTERN AND THE NEW USE PATTERN, AND THE AGENCY WOULD CAREFULLY EXAMINE THIS DATA TO DETERMINE WHETHER ANY UNREASONABLE ADVERSE EFFECT MIGHT ACCRUE. FOR EXAMPLE, IF AN APPLICANT SEEKS APPROVAL FOR USE OF THE PRODUCT ON A NEW SITE, HE WOULD SUBMIT DATA PERTINENT TO THE EFFECTS AND POTENTIAL HAZARDS OF THE CHEMICAL IF USED ON THAT SITE. THE DATA PERTAINING TO THE POTENTIAL INCREMENTAL HAZARD FROM THE NEW USE WOULD BE SCRUTINIZED, AND A FINDING OF NO INCREMENTAL UNREASONABLE ADVERSE EFFECTS WOULD BE A PREREQUISITE OF CONDITIONAL REGISTRATION.

OF COURSE, AS WITH THE 'ME TOO' PRODUCTS, THE 'OLD CHEMICAL, NEW USE ' PRODUCTS WILL BE SUBJECT TO THE SAME EXAMINATION DURING REGISTRATION AS THOSE PRODUCTS ALREADY ON THE MARKET, AND WILL HAVE TO MEET THE SAME NEW DATA REQUIREMENTS TO ACHIEVE FULL REGISTRATION.

CHEMICALS WHICH ARE CANDIDATES FOR RPAR WOULD BE ELIGIBLE FOR CONDITIONAL REGISTRATION UNDER THIS CATEGORY IF THE NEW USE IS MINOR, A NEW PEST FOR AN OLD SITE FOR EXAMPLE, OR A SPECIALTY CROP USE, AND IF SIGNIFICANT ADDITIONAL EXPOSURE IS NOT ANTICIPATED. IF, HOWEVER, THE NEW USE IS MAJOR, AND WOULD RESULT IN SIGNIFICANT ADDITIONAL EXPOSURE, RPAR'ED CHEMICALS AND CANDIDATES FOR RPAR WOULD BE ELIGIBLE FOR CONDITIONAL REGISTRATION IF THERE IS CLEAR EVIDENCE THAT SUCH USE WILL RESULT\*1976 IN NET BENEFITS OVER OTHER ALTERNATIVES BEING USED AND GENERALLY IS IN THE PUBLIC INTEREST.

(3) NEW CHEMICALS.-- IN GENERAL, ALL NEW CHEMICALS WILL HAVE TO MEET THE NEW DATA REQUIREMENTS WHICH BECAME EFFECTIVE IN AUGUST 1975. THERE MAY BE SITUATIONS, HOWEVER, WHERE AN APPLICANT HAS COMPLETED MOST OF THE TESTS ON A NEW CHEMICAL, BUT BECAUSE OF THE IMPOSITION OF A NEW TESTING REQUIREMENT, HE HAS BEEN UNABLE TO

COMPLETE ALL REQUIRED TESTING. MOREOVER, THERE MAY BE A REAL NEED FOR USE OF THE PESTICIDE TO AVOID PEST OUTBREAKS. IT IS OUR OPINION THAT IN SOME OF THESE CASES IT WOULD BE PROPER TO ALLOW CONDITIONAL REGISTRATION, IF WE HAVE ON HAND MOST OF THE DATA AND IT INDICATES NO UNREASONABLE ADVERSE EFFECT, AND IF THE PUBLIC INTEREST WOULD BE SERVED BY ISSUANCE OF A CONDITIONAL REGISTRATION, BEARING IN MIND THE BENEFITS AS WELL AS THE LIKELY SCOPE OF THE RISK. ALTHOUGH WE THINK THAT THE EXERCISE OF THIS CONDITIONAL REGISTRATION AUTHORITY FOR NEW CHEMICALS WOULD BE RARE, WE FEEL THAT IT SHOULD BE AVAILABLE IN APPROPRIATE CASES.

**\*\*11** WE STRONGLY BELIEVE THAT THE AGENCY SHOULD BE REQUIRED TO CANCEL THE REGISTRATION IF THE CONDITIONS ARE NOT MET WITHIN THE APPROPRIATE TIME INTERVAL, AND THAT ANY HEARING ON SUCH A CANCELLATION SHOULD BE CONFINED TO WHETHER OR NOT THE CONDITIONS WERE MET AND HOW EXISTING STOCKS SHOULD BE HANDLED. PUBLIC RESOURCES SHOULD NOT BE DEVOTED TO LONG, DRAWN-OUT CANCELLATION PROCEDURES FOR THESE TYPES OF REGISTRATIONS.

#### GENERIC APPROACH TO REGISTRATION

AS WE TESTIFIED LAST MONTH, IT HAS BECOME INCREASINGLY CLEAR THAT WE ARE SPENDING FAR TOO MUCH TIME ON INDIVIDUAL END-USE FORMULATION APPLICATIONS, AND THAT THE WHOLE STRUCTURE FOR REGISTRATION NEEDS TO BE FOCUSED PRIMARILY ON THE CHEMICALS THEMSELVES RATHER THAN THOUSANDS OF INDIVIDUAL APPLICATIONS FOR PRODUCTS CONTAINING MIXTURES OF CHEMICALS. SECTION 1 OF OUR BILL WOULD FACILITATE THAT RESTRUCTURING. WE ENVISION A SYSTEM IN WHICH IT IS THE TECHNICAL MATERIAL WHICH BECOMES THE FOCAL POINT FOR REGISTRATION, WITH THE BULK OF THE SAFETY DATA OBTAINED FROM MANUFACTURING-USE, RATHER THAN END-USE, REGISTRATIONS. THIS WOULD MEAN THAT THE ISSUES OF COMPENSATION FOR THE MOST EXPENSIVE DATA-- CHRONIC FEEDING, ENVIRONMENTAL CHEMISTRY, FISH AND WILDLIFE, AND SO FORTH-- WOULD BE WORKED OUT AMONG THE REGISTRANTS OF TECHNICAL PRODUCTS. THE COST OF THAT DATA COULD BE INCLUDED IN THE PRICE FOR WHICH THE TECHNICAL PRODUCT SELLS. THUS, THE FORMULATOR WOULD IN EFFECT BE BUYING DATA RIGHTS ALONG WITH THE TECHNICAL MATERIAL, WITHOUT HAVING TO GO THROUGH THE 3(C)(1)(D) PROCEDURES. FORMULATORS MIGHT HAVE TO ENGAGE IN 3(C)(1)(D) TRANSACTIONS FOR DATA SPECIFICALLY PERTAINING TO THE END-USE FORMULATION-- IF THAT DATA HAD BEEN SUBMITTED BY ANOTHER FORMULATOR, FOR INSTANCE-- BUT SUCH TRANSACTIONS WOULD BE RELATIVELY SIMPLE. IN OTHER WORDS, WE SEE TWO SETS OF REGISTRANTS WHO MUST SETTLE UP WITH ONE ANOTHER: REGISTRANTS OF TECHNICAL OR MANUFACTURING-USE MATERIALS, AND REGISTRANTS OF FORMULATED PRODUCTS. WE BELIEVE THAT THE ACT SHOULD SPECIFICALLY ADVOCATE THIS DICHOTOMY AND SPECIFY THAT FORMULATORS WHO PURCHASE A REGISTERED PESTICIDE PRODUCT FROM ANOTHER PRODUCER NEED NOT SUBMIT DATA PERTAINING TO THE SAFETY OF THE PURCHASED PRODUCT, AS OPPOSED TO THE SAFETY OF THE FORMULATED END-USE PRODUCT. EPA COULD THEN PROCEED TO CALL-IN TECHNICAL PRODUCTS FOR REREGISTRATION FIRST, AS THE INITIAL STEP TOWARD MAKING THE TRANSITION FROM AN END-USE TO A GENERIC APPROACH TO THE REGISTRATION PROCESS.

**\*1977** AN ISSUE ABOUT WHICH CONSIDERABLE TESTIMONY HAS BEEN HEARD INVOLVES THE PRESENT LANGUAGE OF SECTION 12(A)(2)(G), WHICH MAKES IT A VIOLATION OF THE ACT FOR A PERSON 'TO USE ANY REGISTERED PESTICIDE IN A MANNER INCONSISTENT WITH ITS LABELING.' AS YOU KNOW THERE HAVE BEEN STRONG OBJECTIONS TO THIS SECTION OF THE ACT. IN LIGHT OF COMMENTS AND AS A RESULT OF THE INCREASING EXPERIENCE THE AGENCY HAS GAINED IN THE AREA OF MISUSE ENFORCEMENT SINCE 1972, WE HAVE CAREFULLY REVIEWED VARIOUS PROPOSALS TO CLARIFY THE MEANING OF THE TERM 'USE INCONSISTENT.' WE FOCUSED ON THE AMENDMENT PROPOSED BY THE NATIONAL CANNERS ASSOCIATION DURING THE HOUSE AND SENATE COMMITTEE HEARINGS IN MARCH, WHICH WE FELT OFFERED AN EXCELLENT STARTING

POINT FOR THE CONSIDERATION OF SPECIFIC LANGUAGE FOR CLARIFYING THE MEANING OF SECTION 12(A)(2)(G). AS A RESULT, THE LANGUAGE IN SECTION 7 OF THE ADMINISTRATION'S PROPOSED BILL IS BASED IN THE CANNERS' LANGUAGE, BUT WITH SOME REWORKING THAT WE THINK IS MORE CONSISTENT WITH THE AGENCY'S REGISTRATION AND LABELING PROCESS. AT THE SAME TIME, WE THINK THAT OUR PROPOSAL FURTHERS THE ORIGINAL INTENT OF MORE PRECISELY DEFINING 'USE INCONSISTENT' WHILE PROVIDING CERTAIN CLEAR EXCEPTIONS.

**\*\*12** UNDER THE APPROACH WE PROPOSE, A DEFINITION OF THE TERM 'USE INCONSISTENT' WOULD BE ADDED, MAKING IT A MISUSE TO USE A REGISTERED PESTICIDE IN A WAY 'NOT PERMITTED BY LABELING', WITH THE EXCEPTION OF FOUR CAREFULLY DEFINED SITUATIONS. THE FOUR AREAS OF USE THAT WOULD CLEARLY BE EXCLUDED FROM 'USE INCONSISTENT WITH THE LABELING' ARE:

1. APPLICATION AT A DOSAGE, CONCENTRATION OR FREQUENCY LESS THAN THAT SPECIFIED ON THE LABELING; 2. APPLICATION AGAINST A TARGET PEST NOT SPECIFIED ON THE LABELING, SO LONG AS THE APPLICATION IS CONSISTENT WITH OTHER DIRECTIONS FOR USE; 3. APPLICATION BY ANY METHOD UNLESS PROHIBITED BY THE LABELING; AND 4. MIXTURE OF A PESTICIDE WITH A FERTILIZER UNLESS PROHIBITED BY THE LABELING.

IF THE CHANGE WE PROPOSE IS ADOPTED IT WOULD, IN FACT, ELIMINATE THE NEED FOR MOST OF OUR CURRENT PESTICIDE ENFORCEMENT POLICY STATEMENTS, PARTICULARLY ALL OF THE PEPS THAT REQUIRE THE RECOMMENDATION OF A KNOWLEDGEABLE EXPERT BEFORE A USER OR APPLICATOR CAN ENGAGE IN CERTAIN PRACTICES THAT WOULD OTHERWISE SUBJECT THEM TO FEDERAL ENFORCEMENT. IT WOULD ALLOW APPLICATORS AND USERS TO DEVIATE FROM PESTICIDE LABELS IN CERTAIN CAREFULLY DEFINED SITUATIONS WHERE, IN OUR OPINION AND IN THE OPINION OF OTHERS OUTSIDE THE AGENCY, THE USE WOULD NOT PRESENT A HAZARD TO MAN AND THE ENVIRONMENT. AT THE SAME TIME, IT WOULD PRESERVE THE AGENCY'S AUTHORITY TO PROSECUTE CASES OF PESTICIDE MISUSE WHERE SUCH PROSECUTIONS ARE WARRANTED.

WE HAVE PROPOSED ONE FINAL AMENDMENT, WHICH SIMPLY ALLOWS INDIAN TRIBES TO TAKE PART IN THE APPLICATOR TRAINING AND CERTIFICATION PROGRAM.

WE UNDERSTAND THAT THE DEPARTMENT OF AGRICULTURE WILL PROPOSE AN AMENDMENT TO SECTION 3(C)(2) OF THE ACT TO REQUIRE THAT THE STANDARDS GOVERNING DATA IN SUPPORT OF THE REGISTRATION OF A PESTICIDE FOR A MINOR USE WILL BE COMMENSURATE WITH THE EXTENT OF THE PESTICIDE'S USE AND EXPOSURE OF MAN AND THE ENVIRONMENT TO IT. WE HAVE NO DIFFICULTY WITH THE CONCEPT OR INTENT OF THE AMENDMENT, BUT WOULD OBSERVE THAT MANY PESTICIDE APPROVALS FOR SO-CALLED MINOR USES ARE NOT PRIMARILY FRUSTRATED BY FIFRA, BUT BY THE FOOD, DRUG, AND COSMETIC ACT WHICH REQUIRES EPA TO ESTABLISH A SAFE RESIDUE LEVEL, OR TOLERANCE, FOR ANY FOOD OR FEED USE OF A PESTICIDE.

**\*1978** MR. CHAIRMAN, THAT CONCLUDES MY PREPARED STATEMENT. I WILL BE PLEASED TO ANSWER ANY QUESTIONS YOU MAY HAVE.

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ASSISTANT SECRETARY M. RUPERT CUTLER PRESENTED THE FOLLOWING TESTIMONY OFFERING THE VIEWS OF THE DEPARTMENT OF AGRICULTURE. USDA SUPPORTED CERTAIN OF THE AMENDMENTS SUGGESTED BY EPA, TAKING NO POSITION RELATIVE TO DATA COMPENSATION, TRADE SECRETS, OR GENERIC APPROACH TO REGISTRATION.

USDA SUGGESTED LANGUAGE TO ALLEVIATE SOME OF THE PROBLEMS IN OBTAINING PESTICIDES FOR MINOR USES. ADMINISTRATOR COSTLE'S STATEMENT, GIVEN ABOVE, INDICATES THAT THE AGENCY HAS NO DIFFICULTY WITH CONCEPT OR INTENT OF THE SUGGESTED LANGUAGE.

ORAL STATEMENT OF DR. M. RUPERT CUTLER, ASSISTANT SECRETARY, CONSERVATION, RESEARCH AND EDUCATION, U.S. DEPARTMENT OF AGRICULTURE

**\*\*13** MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I APPRECIATE THIS OPPORTUNITY TO PRESENT THE VIEWS OF THE U.S. DEPARTMENT OF AGRICULTURE REGARDING POSSIBLE AMENDMENTS TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA). TESTIMONY PRESENTED AT THE MARCH 8-9 HEARINGS ON THIS SUBJECT BEFORE THE FULL COMMITTEE INDICATED CONCERN BY A BROAD RANGE OF WITNESSES THAT SOME MODIFICATION OF THE ACT WAS NECESSARY TO FACILITATE MORE FULLY THE CONGRESSIONAL INTENT OF THE ACT. WE APPRECIATE YOUR SUBCOMMITTEE TAKING THIS TIME TO CONSIDER PROVIDING THE EPA WITH ADDITIONAL CONGRESSIONAL DIRECTION TO HELP INTERPRET AND IMPLEMENT THIS ACT, AN ACT SO IMPORTANT TO OUR SHARED INTEREST IN PROTECTION OF THE ENVIRONMENT, HUMAN HEALTH, AND THE NATION'S HIGHLY SUCCESSFUL AGRICULTURAL PRODUCTION.

FOR MANY YEARS, THE DEPARTMENT OF AGRICULTURE HAS PLACED MAJOR EMPHASIS ON RESEARCH AND EDUCATION TO IMPROVE THE EFFECTIVENESS OF PEST CONTROL AND THE PROTECTION OF MAN AND HIS ENVIRONMENT. THESE ACTIVITIES HAVE PROCEEDED UNINTERRUPTED DURING THE PERIOD OF TRANSFER OF THE REGULATION OF PESTICIDES FROM THE DEPARTMENT TO EPA IN 1970 AND THE PASSING OF THE AMENDMENTS TO FIFRA IN 1972. FROM 1972 UNTIL THE PASSAGE OF THE 1975 AMENDMENTS TO FIFRA, THE DEPARTMENT OF AGRICULTURE EMPHASIZED COOPERATION WITH EPA IN THE TRAINING OF CERTIFIED APPLICATORS AND THE DEVELOPMENT OF INFORMATION THAT COULD ASSIST EPA IN THE REGISTRATION PROCESS. IT IS ESSENTIAL THAT THE DEPARTMENT CONTINUE TO COOPERATE WITH THE CONSTRUCTIVE PROGRAMS OF CLASSIFICATION OF PESTICIDES AND THE CERTIFICATION OF APPLICATORS. THROUGH THE COOPERATIVE PROGRAMS OF EPA, USDA, AND THE STATE COOPERATIVE EXTENSION SERVICES, MANY THOUSAND OF APPLICATORS HAVE BEEN TRAINED AND CERTIFIED. THESE PROCEDURES, IMPROVED TECHNIQUES OF APPLICATION, AND MORE KNOWLEDGEABLE MANAGEMENT OF PEST CONTROL (INCLUDING INTEGRATED PEST MANAGEMENT) MAKE IT POSSIBLE TO INCREASE THE BENEFITS AND REDUCE THE RISKS FROM THE USE OF PESTICIDES. THIS CAN ALLOW THE CONTINUATION OF PESTICIDE USES THAT INCREASE AGRICULTURAL PRODUCTION WHILE NOT INCREASING THE LIKELIHOOD OF UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT. WE BELIEVE THIS APPROACH WILL ASSIST EPA IN FOLLOWING THE BASIC INTENT OF THE ACT.

**\*1979** THE 1975 AMENDMENTS TO FIFRA GAVE THE DEPARTMENT OF AGRICULTURE AN OPPORTUNITY TO DEVELOP AND PRESENT INFORMATION ON BOTH PESTICIDE REGULATIONS THAT ARE PROPOSED BY EPA AND ON PROPOSED CANCELLATIONS OR RECLASSIFICATIONS OF PESTICIDES AND THEIR USE. WE APPRECIATE THE OPPORTUNITY TO PARTICIPATE IN THE REVIEW PROCESS OF EPA ON THE REREGISTRATION OF PESTICIDES, PARTICULARLY THOSE THAT EPA HAS SUBJECTED TO A REBUTTABLE PRESUMPTION AGAINST REGISTRATION (RPAR). A MAJOR CONCERN ABOUT PRESUMPTION IS THAT POTENTIAL RISKS MAY BE OVERESTIMATED, WHILE SUBSTANTIAL BENEFITS MAY BE UNDERESTIMATED. IN AN EFFORT TO AVOID THIS SITUATION, WE ARE OBTAINING EVIDENCE REGARDING THE BENEFITS OF PESTICIDE USE AND PRESENTING THIS INFORMATION TO EPA IN CONNECTION WITH THE RPAR PROCESS.

**\*\*14** AMERICAN FARMERS ARE DEPENDENT UPON AN EFFECTIVE ARSENAL OF TOOLS TO COMBAT THE MULTITUDE OF PESTS THAT REDUCE CROP PRODUCTION AND QUALITY. OUR DEPARTMENT HAS TAKEN THE LEAD IN THE ESTABLISHMENT OF A 'USDA/STATE PROGRAM FOR PESTICIDE IMPACT ASSESSMENTS' TO UTILIZE MORE FULLY THE AGRICULTURAL EXPERTISE OF THE LAND GRANT UNIVERSITIES, THE STATE DEPARTMENTS OF AGRICULTURE, USER GROUPS, AND THE INDUSTRY. THE OBJECTIVE OF THE PROGRAM IS TO PROVIDE OBJECTIVE AND ACCURATE INFORMATION TO DEFINE AND EVALUATE BENEFITS OF SELECTED PESTICIDES OF CRITICAL IMPORTANCE TO AGRICULTURE AND FORESTRY. AS THE DEPARTMENT OBTAINS INFORMATION FROM ITS RESEARCH AND FIELD PROGRAMS RELATIVE TO THE RISKS ASSOCIATED WITH THE USE OF SELECTED PRODUCTS, THIS INFORMATION IS PROVIDED TO EPA FOR ITS CONSIDERATION. WHEN SUCH INFORMATION IS NOT AVAILABLE, FIELD TRIALS, SURVEYS, OR OTHER STUDIES WILL BE UNDERTAKEN TO DEVELOP SPECIFIC REQUIRED DATA TO MEET THE NEEDS OF PESTICIDE

ASSESSMENTS. ANOTHER OBJECTIVE OF THE PESTICIDE IMPACT ASSESSMENT PROGRAM IS TO PROVIDE INFORMED RESPONSES TO THE RPARS ISSUED BY EPA. EPA AND THE DEPARTMENT HAVE SIGNED A MEMORANDUM OF UNDERSTANDING TO FACILITATE THE EXCHANGE OF INFORMATION. THIS MEMORANDUM ALSO PROVIDES A MECHANISM FOR THE DEPARTMENT TO EVALUATE THE EXPOSURE AND USE EXPERIENCE OF PESTICIDE USES AND TO ACCUMULATE AND DEVELOP THE BENEFITS INFORMATION NECESSARY FOR EPA TO MAKE VALID DECISIONS.

WE HAVE REVIEWED THE DRAFT AMENDMENTS TO FIFRA DISTRIBUTED BY EPA ON APRIL 14, 1977. WE COMPLIMENT THE AGENCY ON RESPONDING TO SOME OF THE CONCERNS EXPRESSED IN TESTIMONY PRESENTED AT PRIOR COMMITTEE HEARINGS. THE DEPARTMENT OF AGRICULTURE SUPPORTS THE CONCEPT OF CONDITIONAL REGISTRATIONS AS A VIABLE MEANS OF MEETING THE NEEDS OF AGRICULTURE WITHOUT INCREASING THE RISK OF UNREASONABLE ADVERSE EFFECTS ON THE ENVIRONMENT. TO ACCOMPLISH THIS GOAL WE BELIEVE THAT THE ADDITION OF THE PROPOSED NEW SUBSECTION (7) TO SECTION 3(C) IS A DESIRABLE AMENDMENT.

WE AGREE WITH THE PROPOSED ADDITION TO SECTION 3(C)(5) TO PROVIDE THE EPA ADMINISTRATOR WITH THE PERMISSIVE DISCRETION OF WAIVING DATA REQUIREMENTS PERTAINING TO EFFICACY IN ORDER TO ENABLE THE ADMINISTRATOR TO DEVOTE RESOURCES TO HAZARD EVALUATION AS HIS TOP PRIORITY ASSIGNMENT. THE WAIVER OF REQUIREMENTS FOR EFFICACY DOES NOT MEAN THAT THE REGISTRANT WILL NOT CONTINUE TO BE RESPONSIBLE FOR THE INFORMATION NEEDED TO ESTABLISH THAT THE PRODUCT WILL CONTINUE TO PERFORM ITS INTENDED FUNCTION. WE UNDERSTAND THAT EPA IS PLANNING ON CONTINUING CLOSE SCRUTINY OF PRODUCTS SUCH AS DISINFECTANTS, AN AREA WHERE AGRICULTURE PROVIDES NO BACKUP INFORMATION.

**\*1980** THE DEPARTMENT SUPPORTS THE SUGGESTED AMENDMENT OF SECTION 3(D)(1) (A) TO PERMIT THE INITIAL CLASSIFICATION OF RESTRICTED USES BY REGULATION AS AN INTERIM METHOD, PENDING COMPLETION OF THE REREGISTRATION PROGRAM. THIS METHOD OF RESTRICTING THE USE OF PESTICIDES HAS BEEN EFFECTIVELY UTILIZED BY STATE REGULATORY AGENCIES FOR OVER THIRTY YEARS. SUCH TIMELY CLASSIFICATION WILL ALLOW THE CERTIFICATION PROGRAM TO PROCEED ON SCHEDULE. ON THIS BASIS WE CAN SUPPORT THE AMENDMENTS TO SECTION 4(B) AND SECTION 4(C)(2) OF THE FEDERAL ENVIRONMENTAL PESTICIDE CONTROL ACT OF 1972 (P.L. 92-516) DELETING THE EFFECTIVE DATES FOR REREGISTRATION.

**\*\*15** THE DEPARTMENT AGREES WITH THE DEFINITION OF 'USE INCONSISTENT WITH THE LABEL' CONTAINED IN THE PROPOSED NEW SUBSECTION 2(E) TO APPROPRIATELY CLARIFY THE INTENT OF CONGRESS AS EXPRESSED IN PRIOR COMMITTEE REPORTS AND WILL ELIMINATE SOME OF THE MINOR USE PROBLEMS SUCH AS 'UNLISTED PESTS.'

THE DEPARTMENT SUPPORTS THE PROPOSED AMENDMENT OF SECTION 18 TO VERIFY THE ADMINISTRATOR'S AUTHORITY TO ESTABLISH A TEMPORARY TOLERANCE LEVEL FOR SECTION 18 EXEMPTIONS-- AUTHORITY SIMILAR TO THE POWER GRANTED IN SECTION 5 OF THE ACT.

THE DEPARTMENT TAKES NO POSITION REGARDING THE OTHER SPECIFIC EPA DRAFT AMENDMENT PROPOSALS. WE DO NOT CLAIM EXPERTISE IN THE AREAS OF COMPENSATION FOR DATA THE DEFINITION OF TRADE SECRETS, OR THE GENERIC APPROACH TO REGISTRATION, BUT WE DO RECOGNIZE THAT THESE ISSUES HAVE CREATED PROBLEMS FOR EPA, PRODUCERS AND FORMULATORS OF PESTICIDES, AND ULTIMATELY THE USER OF PESTICIDES. THE DEPARTMENT URGES PROMPT CONSIDERATION OF ANY REASONABLE AND EQUITABLE SOLUTIONS TO CURRENT PROCEDURAL IMPEDIMENTS TO THE EXPEDITIOUS REGISTRATION AND REREGISTRATION OF PESTICIDES.

IN ADDITION TO THE FOREGOING, WE HAVE ONE OTHER RECOMMENDATION FOR YOUR CONSIDERATION. THE DEPARTMENT HAS SPONSORED A NATIONAL PROGRAM FOR THE REGISTRATION OF MINOR USES OF PESTICIDES. DURING THE 12-YEAR HISTORY OF THIS PROGRAM, STATE, PRIVATE, AND FEDERAL AGENCY RESEARCHERS HAVE ATTEMPTED TO DEVELOP THE INFORMATION REQUIRED. WITH THE IMPLEMENTATION OF THE 1972 AMENDMENTS, THE DATA REQUIREMENTS FOR MINOR USE REGISTRATION AND THE STATUS OF MINOR USES HAVE BECOME MORE COMPLEX. THE STRICT INTERPRETATION OF SECTION 12(A)(2)(G) REGARDING 'USES INCONSISTENT

WITH ITS LABEL', THE REQUIREMENT THAT ALL PESTICIDE PRODUCTS MUST BE FEDERALLY REGISTERED, AND THE SECTION 3 REGULATIONS ESTABLISHING ADDITIONAL REGISTRATION REQUIREMENTS HAVE HAD A MAJOR IMPACT ON THE REGISTRATION OF PESTICIDES FOR MINOR USES. AT PRESENT LITTLE CONSIDERATION APPEARS TO BE GIVEN BY EPA TO THE EXTENT OF USE, THE PATTERN OF USE, AND THE LEVEL AND DEGREE OF POTENTIAL FOR EXPOSURE OF MAN AND THE ENVIRONMENT TO THE PESTICIDE USE. WE BELIEVE THAT THERE IS NEED FOR ASSURANCE THAT THESE IMPORTANT RELATED FACTORS ARE RECOGNIZED BY THE EPA. THEREFORE WE OFFER FOR YOUR CONSIDERATION AN AMENDMENT TO SECTION 3(C)(2) AS FOLLOWS:

'(2) DATA IN SUPPORT OF REGISTRATION.-- THE ADMINISTRATOR SHALL PUBLISH GUIDELINES SPECIFYING THE KINDS OF INFORMATION WHICH WILL BE REQUIRED TO SUPPORT THE REGISTRATION OF A PESTICIDE AND SHALL REVISE SUCH GUIDELINES FROM TIME TO TIME. IF THEREAFTER HE REQUIRES AN ADDITIONAL KIND OF INFORMATION HE SHALL PERMIT SUFFICIENT TIME FOR APPLICANTS TO OBTAIN SUCH ADDITIONAL INFORMATION. THE ADMINISTRATOR IN ESTABLISHING STANDARDS \*1981 FOR DATA REQUIREMENTS FOR THE REGISTRATION OF PESTICIDES, WITH RESPECT TO MINOR USES, SHALL MAKE SUCH STANDARDS COMMENSURATE WITH THE ANTICIPATED EXTENT OF USE, PATTERN OF USE, AND LEVEL AND DEGREE OF POTENTIAL EXPOSURE OF MAN AND THE ENVIRONMENT TO THE PESTICIDE. IN THE DEVELOPMENT OF THESE STANDARDS, THE ADMINISTRATOR SHALL CONSIDER THE ECONOMIC FACTORS OF POTENTIAL NATIONAL VOLUME OF USE, EXTENT OF DISTRIBUTION, AND THE IMPACT OF COST OF MEETING THE REQUIREMENTS ON THE INCENTIVES FOR POTENTIAL REGISTRANTS) TO UNDERTAKE THE DEVELOPMENT OF THE REQUIRED DATA. EXCEPT AS PROVIDED BY SUBSECTION (C)(1)(D) OF THIS SECTION AND SECTION 10, WITHIN 30 DAYS AFTER THE ADMINISTRATOR REGISTERS A PESTICIDE UNDER THIS ACT HE SHALL MAKE AVAILABLE TO THE PUBLIC THE DATA CALLED FOR IN THE REGISTRATION STATEMENT TOGETHER WITH SUCH OTHER SCIENTIFIC INFORMATION AS HE DEEMS RELEVANT TO HIS DECISION.

\*\*16 THIS AMENDMENT DOES NOT PROVIDE A SOLUTION TO ALL OF THE PROBLEMS WE ARE CONFRONTED WITH IN THE REGISTRATION OF PESTICIDES FOR MINOR USES. HOWEVER WE BELIEVE THAT IT WILL PROVIDE EPA WITH A CLEARER STATEMENT OF THE INTENT OF CONGRESS, TO THE EFFECT THAT DATA REQUIREMENTS FOR REGISTRATION SHOULD BE RELATED TO THE INTENDED USE OF THE PESTICIDE. IF THE SUBCOMMITTEE DESIRES ANY FURTHER ASSISTANCE REGARDING PROPOSED AMENDMENTS TO THE FIFRA, THE DEPARTMENT OF AGRICULTURE WILL BE PLEASED TO PROVIDE ITS EXPERTISE.

#### BUSINESS MEETINGS

THE SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS, OVERSIGHT, AND RESEARCH MET IN AN OPEN BUSINESS MEETING ON THURSDAY, APRIL 28 TO DISCUSS FURTHER ACTION RELATIVE TO THE ISSUES IDENTIFIED IN THE HEARINGS ON THE IMPLEMENTATION OF THE FIFRA, AS AMENDED.

MR. FITHIAN OF INDIANA INDICATED A DESIRE TO MOVE IMMEDIATELY TO RESOLVE THE CONTROVERSY RELATIVE TO SECTION 3(C)(1)(D), DATA COMPENSATION, AND SECTION 10, RELATIVE TO TRADE SECRET PROVISIONS.

THERE APPEARED TO BE GENERAL AGREEMENT AMONG THE SUBCOMMITTEE MEMBERS THAT ACTION WOULD BE NECESSARY IN THIS AREA TO PROVIDE RELIEF TO THE AGENCY AND RESOLVE SOME OF THE DIFFICULTIES IN OBTAINING NEW REGISTRATIONS; HOWEVER, A MAJORITY OF THE SUBCOMMITTEE FELT THAT IT WOULD BE IMPOSSIBLE TO CONSIDER ALL OF THE RAMIFICATIONS OF THESE TWO ISSUES IN THE SHORT TIME SPAN AVAILABLE TO THE SUBCOMMITTEE AND TO THE COMMITTEE TO REPORT AUTHORIZATION LEGISLATION PURSUANT TO PROVISIONS OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT. FURTHER, A MAJORITY OF THE MEMBERS INDICATED THAT THE TIME PRESSURES WERE INCREASED BECAUSE OF FULL COMMITTEE CONSIDERATION OF THE VARIOUS COMPLEX AND CONTROVERSIAL ISSUES INVOLVED IN

THE GENERAL FARM PROGRAM.

THE SUBCOMMITTEE AGREED THAT A COMPREHENSIVE REVIEW OF ALL ASPECTS OF FIFRA IMPLEMENTATION WAS CALLED FOR AND FELT THAT ANY BILL MAKING MAJOR CHANGES IN THE ACT SHOULD ADDRESS ALL OF THE ISSUES INVOLVED. SUBCOMMITTEE CHAIRMAN DE LA GARZA PUBLICLY COMMITTED THE SUBCOMMITTEE TO ADDITIONAL DETAILED HEARINGS LATER IN THIS SESSION, TO BE COORDINATED WITH HEARINGS TO BE SCHEDULED BY THE SENATE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY. IT IS ANTICIPATED THAT THESE HEARINGS WILL BE SCHEDULED IN EITHER JUNE OR JULY.

THE SUBCOMMITTEE THEN TENTATIVELY AGREED TO RECOMMEND TO THE FULL COMMITTEE THAT PROVISIONS EXTENDING FUNDING AUTHORITY FOR \*1982 FIFRA, AS AMENDED, THROUGH MARCH 31, 1978, BE INCLUDED IN THE

ON TUESDAY, MAY 3, IN AN OPEN BUSINESS MEETING WITH A QUORUM PRESENT THE SUBCOMMITTEE AGREED TO A MOTION OF MR. THONE OF NEBRASKA TO RECOMMEND TO THE FULL COMMITTEE LANGUAGE FOR INCLUSION IN THE GENERAL FARM BILL ESTABLISHING AUTHORIZATION FOR FISCAL 1977 AT \$43,500,000 AND PROVIDING AUTHORIZATION FOR FUNDING THROUGH MARCH 31, 1978, AT A LEVEL OF \$27,500,000.

THE FULL COMMITTEE ON AGRICULTURE MET IN AN OPEN BUSINESS MEETING ON MONDAY, MAY 9 TO CONSIDER THE RECOMMENDATIONS OF THE SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS, OVERSIGHT, AND RESEARCH.

\*\*17 CHAIRMAN FOLEY READ THE FOLLOWING LETTER INTO THE RECORD FROM THE CHIEF COUNSEL OF THE COMMITTEE ON THE BUDGET POINTING OUT THE POSSIBLE DIFFICULTY IN REPORTING A PART YEAR EXTENSION:

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
WASHINGTON, D.C., MAY 3, 1977.  
HON. THOMAS S. FOLEY,  
CHAIRMAN, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON,  
D.C.

DEAR MR. CHAIRMAN: THIS IS IN RESPONSE TO AN INQUIRY FROM YOUR COMMITTEE COUNSEL CONCERNING POSSIBLE BUDGET ACT IMPLICATIONS OF A PROPOSED SIX-MONTH AUTHORIZATION FOR THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.

ALTHOUGH A SIX-MONTH AUTHORIZATION WOULD NOT DIRECTLY VIOLATE ANY PROVISION OF THE BUDGET ACT, A SUBSEQUENT AUTHORIZATION FOR THE BALANCE OF FY 1978 WOULD BE SUBJECT TO A POINT OF ORDER UNDER SECTION 402(A) OF THE CONGRESSIONAL BUDGET ACT. SECTION 402(A) REQUIRES THAT ALL AUTHORIZATIONS FOR A GIVEN FISCAL YEAR BE REPORTED FROM COMMITTEE BY MAY 15 PRECEDING THE BEGINNING OF SUCH FISCAL YEAR. THUS, AUTHORIZATIONS FOR ANY PORTION OF FY 1978 MUST BE REPORTED BY MAY 15, 1977.

THE MAJOR PURPOSE OF THE MAY 15 REPORTING REQUIREMENT IS TO INSURE THAT AUTHORIZATIONS WILL BE IN PLACE IN ORDER FOR THE APPROPRIATIONS COMMITTEE TO ACT ON THE MAJOR APPROPRIATIONS BILL IN A TIMELY FASHION. IN MY VIEW, THIS PURPOSE WOULD BE UNDERCUT IF CONGRESS WERE REQUIRED TO ACT ON TWO APPROPRIATIONS BILLS FOR A SINGLE ITEM WITHIN A ONE-YEAR PERIOD.

IF YOU HAVE FURTHER QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT ME.

SINCERELY,

WENDELL BELEW, CHIEF COUNSEL.

ON MOTION OF MR. KREBS OF CALIFORNIA, THE COMMITTEE AGREED BY DIVISION VOTE OF 20 AYES TO 7 NAYS TO PROVIDE FOR FUNDING AUTHORIZATION THROUGH FISCAL 1978.

MR. FINDLEY OF ILLINOIS THEN MOVED TO SET THE AUTHORIZATION LEVEL FOR FISCAL 1978 AT \$43,500,000, A FIGURE OBTAINED BY STAFF FROM THE AGENCY AS THE AMOUNT APPROPRIATED AND EXPECTED TO BE EXPENDED IN FISCAL 1977.

MR. VOLKMER OF MISSOURI OFFERED AN AMENDMENT TO THE FINDLEY AMENDMENT INCREASING AUTHORIZATION TO \$46,000,000 TO TAKE INTO CONSIDERATION INFLATIONARY IN-

CREASES.

**\*1983** THE COMMITTEE AGREED TO THE VOLKMER AMENDMENT TO THE FINDLEY AMENDMENT BY VOICE VOTE AND THEN, BY DIVISION VOTE OF 23 AYES TO 3 NAYS, THE AMENDMENT, AS AMENDED, WAS AGREED TO.

DURING THE DEBATE ON THE FINDLEY AMENDMENT AND THE VOLKMER AMENDMENT TO THAT AMENDMENT, SUBCOMMITTEE CHAIRMAN DE LA GARZA PUBLICLY COMMENDED ADMINISTRATOR COSTLE FOR HIS FORTHRIGHTNESS, HIS FRANKNESS, AND HIS PUBLIC COMMITMENT TO COOPERATE WITH THE COMMITTEE IN ATTEMPTING TO WORK OUT A COMMONSENSE APPROACH TO PESTICIDE IMPLEMENTATION.

THE COMMITTEE THEN AGREED BY VOICE VOTE TO A MOTION BY MR. HIGHTOWER OF TEXAS TO SEPARATE THE SUGGESTED LANGUAGE FROM THE GENERAL FARM BILL AND REPORT A SEPARATE BILL TO THE HOUSE OF REPRESENTATIVES.

AN AMENDMENT WAS OFFERED BY MR. SYMMS OF IDAHO TO TRANSFER AUTHORITY OVER THE PESTICIDE PROGRAM TO USDA. MR. VOLKMER THEN MOVED TO POSTPONE CONSIDERATION OF THE SYMMS AMENDMENT UNTIL MAY 17TH.

**\*\*18** MR. SYMMS AND MR. VOLKMER LATER AGREED TO WITHDRAW THE AMENDMENT AND THE MOTION TO POSTPONE CONSIDERATION.

DURING DISCUSSION OF THE PROPOSED SYMMS AMENDMENT, CHAIRMAN FOLEY READ THE FOLLOWING LETTER FROM SECRETARY BERGLAND INTO THE RECORD TO CLARIFY HIS POSITION IN OPPOSITION TO THE POSSIBILITY OF TRANSFERRING THE ADMINISTRATION OF PESTICIDE PROGRAMS TO THE DEPARTMENT OF AGRICULTURE.

DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
WASHINGTON, D.C., MARCH 19, 1977.  
HON. THOMAS S. FOLEY,  
CHAIRMAN, HOUSE COMMITTEE ON AGRICULTURE, LONGWORTH HOUSE OFFICE BUILDING,  
WASHINGTON, D.C.

DEAR MR. CHAIRMAN: THE DEPARTMENT OF AGRICULTURE HAS A CONTINUING COMMITMENT TO THE ENHANCEMENT OF THE ENVIRONMENT AND THE DEVELOPMENT OF OUR CAPACITY TO PRODUCE FOOD AND FIBER. PESTICIDES PROVIDE NECESSARY TOOLS TO MEET THE NEED OF AN EVER GROWING WORLD POPULATION.

DURING THE HEARINGS ON THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT ON MARCH 8, 1977, THERE WAS ATTRIBUTED TO ME A STATEMENT WHICH ENDORSES THE TRANSFER OF THE AUTHORITY FOR FIFRA FROM THE ENVIRONMENTAL PROTECTION AGENCY TO THE U.S. DEPARTMENT OF AGRICULTURE. I WOULD LIKE TO CLARIFY MY POSITION: I DO NOT ADVOCATE THE TRANSFER TO DEPARTMENT OF AGRICULTURE OF RESPONSIBILITY FOR THE ADMINISTRATION OF FIFRA.

IN 1975, CONGRESS MANDATED THAT EPA TRANSMIT PROPOSED REGULATIONS TO THE DEPARTMENT OF AGRICULTURE FOR COMMENTS ON THEIR AGRICULTURAL ECONOMIC IMPACT. THE DEPARTMENT HAS MET THIS MANDATE AND HAS COMMENTED ON ALL PROPOSED REGULATIONS IN A TIMELY MANNER. SUCH AUTHORITY HAS PROMOTED A MEANINGFUL DIALOGUE BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE ENVIRONMENTAL PROTECTION AGENCY ON THE NEED TO BALANCE BOTH THE BENEFITS AND RISKS OF PROPOSED REGULATORY ACTION.

BEYOND THAT, I HAVE INITIATED DISCUSSIONS WITH THE NEW ADMINISTRATOR OF ENVIRONMENTAL PROTECTION AGENCY, DOUGLAS COSTLE, TOWARD THE GOAL OF IMPROVING RELATIONS BETWEEN OUR AGENCIES. I AM CONFIDENT THAT THIS DEPARTMENT AND THE ENVIRONMENTAL PROTECTION AGENCY CAN WORK **\*1984** MORE CLOSELY TOGETHER THAN HAS BEEN THE CASE IN THE PAST, AND BETTER SERVE OUR FARMERS AND THE GOAL OF AN IMPROVED ENVIRONMENT.

SINCERELY,

BOB BERGLAND, SECRETARY.

THE COMMITTEE THEN PROCEEDED TO OTHER BUSINESS AFTER AGREEING TO PROCEED ON THE



SEPARATE BILL TO BE INTRODUCED BY SUBCOMMITTEE CHAIRMAN DE LA GARZA.

FOLLOWING COMMITTEE ACTION ON MAY 9TH, THE STAFF WAS ADVISED THAT THE \$43,500,000 FIGURE AGREED UPON FOR FISCAL 1977 WAS IN ERROR AND THAT IN FACT EPA HAD BEEN APPROPRIATED AND EXPECTED TO EXPEND IN THIS FISCAL YEAR A TOTAL OF \$46,636,000.

THIS MATTER WAS BROUGHT TO CHAIRMAN FOLEY'S ATTENTION AND IN AN OPEN BUSINESS MEETING ON MAY 10TH, THE COMMITTEE AGREED TO AN UNANIMOUS CONSENT REQUEST BY MR. FOLEY THAT THE FIGURES BE ADJUSTED ACCORDINGLY.

ON MAY 10TH, PURSUANT TO COMMITTEE ACTION OF MAY 9 AND THE UNANIMOUS CONSENT AGREEMENT, SUBCOMMITTEE CHAIRMAN DE LA GRAZA INTRODUCED H.R. 7073.

**\*\*19** ON MAY 11TH, WITH A QUORUM PRESENT, THE COMMITTEE AGREED BY VOICE VOTE TO A MOTION BY MR. DE LA GARZA TO REPORT H.R. 7073 TO THE HOUSE WITH THE RECOMMENDATION THAT IT DO PASS, SUBJECT TO A TECHNICAL AMENDMENT.

#### ADMINISTRATION POSITION

THE FOLLOWING LETTER WAS RECEIVED BY THE COMMITTEE FROM THE ENVIRONMENTAL PROTECTION AGENCY EXPRESSING THE POSITION OF THE ADMINISTRATION RELATIVE TO H.R. 7073:

U.S. ENVIRONMENTAL PROTECTION AGENCY,  
WASHINGTON, D.C., MAY 13, 1977.

HON. THOMAS S. FOLEY,

CHAIRMAN, COMMITTEE ON AGRICULTURE, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

DEAR MR. CHAIRMAN: I AM WRITING IN RESPONSE TO YOUR REQUEST FOR OUR VIEWS ON H.R. 7073, TO AUTHORIZE APPROPRIATIONS FOR THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT (FIFRA) AS AMENDED, FOR A PORTION OF FISCAL YEAR 1977 AND FOR FISCAL YEAR 1978, IN THE AMOUNT OF \$49.3 MILLION.

IN TESTIMONY BEFORE YOUR COMMITTEE ON MARCH 9, AND BEFORE THE SUBCOMMITTEE ON DEPARTMENT INVESTIGATIONS, OVERSIGHT, AND RESEARCH ON APRIL 27, I URGE THE COMMITTEE, ON BEHALF OF THE ADMINISTRATION, TO ENACT SEVERAL SUBSTANTIVE AMENDMENTS TO FIFRA AND AUTHORIZE THE PRESIDENT'S FISCAL YEAR 1978 BUDGET REQUEST OF \$54.5 MILLION. WE HAVE DISCUSSED THE VERY CONSIDERABLE BURDEN OF LEGISLATIVE BUSINESS TO WHICH THE COMMITTEE MUST ATTEND IN THESE INITIAL MONTHS OF THE NEW CONGRESS, AND I BELIEVE THAT THE ISSUES POSED IN OUR TESTIMONY CONCERNING PESTICIDES SHOULD BE ADDRESSED ON THE BASIS OF A THOROUGH AND DELIBERATE REVIEW OF MANY INTERRELATED FACTORS. THE COMMITTEE EVIDENTLY SHARES THIS VIEW AND HAS ANNOUNCED IT WILL RESUME EXTENSIVE EXAMINATION OF THE PESTICIDES LAW IN JUNE. I WELCOME THIS OPPORTUNITY TO CONTINUE THE CANDID DIALOGUE WE HAVE BEGUN. WHILE I AM HOPEFUL THAT FAVORABLE ACTION WILL BE TAKEN ON OUR PROPOSED AMENDMENTS, I HAVE NOT ASSERTED **\*1985** THAT THE ADMINISTRATION RECOMMENDATIONS ARE THE ONLY MEANS TO ACCOMPLISH SOME OF OUR MUTUAL OBJECTIVES NOR THAT REVIEW OF FIFRA SHOULD BE CONFINED TO THE AREAS ADDRESSED IN THE DRAFT LEGISLATION SUBMITTED TO YOU. WE LOOK FORWARD TO CONTINUING TO WORK WITH YOU ON SUBSTANTIVE CHANGES TO THE FIFRA, IN THE HOPE OF ACHIEVING THE EARLIEST POSSIBLE RESOLUTION OF IMPEDIMENTS TO THE REGISTRATION PROCESS.

INSOFAR AS THE SPECIFIC PROVISIONS OF H.R. 7073 ARE CONCERNED, I WOULD OBSERVE THAT ITS ENACTMENT WOULD AUTHORIZE APPROPRIATIONS AT A LEVEL SUBSTANTIALLY BELOW THOSE REQUESTED IN THE PRESIDENT'S BUDGET FOR FISCAL YEAR 1978 TO IMPLEMENT FIFRA.

OUR \$54.5 MILLION BUDGET REQUEST REFLECTS OUR BEST JUDGMENT OF RESOURCES REQUIRED TO EFFECTIVELY OPERATE THE PROGRAM. AS YOU ARE AWARE EVEN WITH THE AMENDMENTS WE HAVE PROPOSED, THE STATUTORY DEADLINES FOR MEETING THE REREGISTRATION OBJECTIVE WILL NOT BE MET AND WILL TAKE SEVERAL MORE YEARS TO COMPLETE. I

THEREFORE HOPE THAT DURING ITS FURTHER FIFRA DELIBERATIONS THE COMMITTEE WILL AMEND H.R. 7073 TO PROVIDE FOR AUTHORIZATION AT THE LEVELS REQUESTED IN MY LETTER TO THE SPEAKER DATED APRIL 6, 1977, AND REFERRED TO YOUR COMMITTEE.

**\*\*20** THE OFFICE OF MANAGEMENT AND BUDGET HAS REVIEWED THIS REPORT AND FOUND IT TO BE CONSISTENT WITH THE PRESIDENT'S PROGRAM.

SINCERELY YOURS,  
DOUGLAS M. COSTLE.

#### CURRENT AND FIVE SUBSEQUENT FISCAL YEAR COST ESTIMATES

PURSUANT TO CLAUSE 7 OF RULE XIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES, THE COMMITTEE ESTIMATES THAT ENACTMENT OF THIS LEGISLATION WILL HAVE NO IMPACT ON THE CURRENT FISCAL YEAR AND WILL ESTABLISH FUNDING LEVELS FOR PESTICIDE PROGRAMS ESTABLISHED PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED, FOR FISCAL 1978 AT \$49,300,000.

THE BILL PROPOSES AUTHORIZATION ONLY THROUGH FISCAL 1978 AND WILL NOT, THEREFORE, HAVE ANY IMPACT ON THE SUCCEEDING FISCAL YEAR COSTS.

THE COMMITTEE WISHES TO POINT OUT THAT SUBSTANTIVE CHANGES IN THE ACT WILL BE CONSIDERED LATER IN THIS SESSION, SOME OF WHICH (SUCH AS MOVING TO A GENERIC APPROACH TO REGISTRATION AND ALLOWING THE ADMINISTRATOR DISCRETION TO WAIVE EFFICACY REQUIREMENTS), MAY REDUCE FEDERAL EXPENDITURES FOR THESE PROGRAMS.

#### INFLATIONARY IMPACT STATEMENT

PURSUANT TO CLAUSE 2(1)(4) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES, THE COMMITTEE ESTIMATES THAT ENACTMENT OF H.R. 7073, AS AMENDED, WILL HAVE NO INFLATIONARY IMPACT ON THE NATIONAL ECONOMY.

ON THE OTHER HAND, THE COMMITTEE BELIEVES THAT ENACTMENT OF THIS LEGISLATION IN ASSURING CONTINUITY OF PESTICIDE PROGRAMS CONDUCTED BY THE ENVIRONMENTAL PROTECTION AGENCY PURSUANT TO THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, AS AMENDED, WILL ASSURE ADEQUATE SAFEGUARDS TO HUMAN HEALTH AND THE ENVIRONMENT WILL ALSO PROVIDE NECESSARY PESTICIDES FOR AGRICULTURAL PRODUCTION, PROTECTION OF HUMAN HEALTH AGAINST THE SPREAD OF DISEASE, AND THE PROTECTION OF PROPERTY\***1986** THROUGH THE USE OF PESTICIDES IN MAINTAINING THE STRUCTURAL INTEGRITY OF HOMES AND PLACES OF BUSINESS.

THE COMMITTEE IS CONVINCED THAT A SOUND PESTICIDE PROGRAM IS ESSENTIAL TO A STRONG ECONOMY AND THAT DIRECT AND INDIRECT RETURNS TO THE AMERICAN PEOPLE WILL OFFSET THE COST ENVISIONED IN THIS LEGISLATION.

#### BUDGET ACT COMPLIANCE

##### BUDGET ACT COMPLIANCE (SECTION 308 AND SECTION 403)

THE PROVISIONS OF CLAUSE 2(1)(3)(B) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES AND SECTION 308(A) OF THE CONGRESSIONAL BUDGET ACT OF 1974 (RELATING TO ESTIMATES OF NEW BUDGET AUTHORITY OR NEW OR INCREASED TAX EXPENDITURES) ARE NOT CONSIDERED APPLICABLE. THE ESTIMATE AND COMPARISON PREPARED BY THE DIRECTOR OF THE CONGRESSIONAL BUDGET OFFICE UNDER CLAUSE 2(1)(3)(C) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES AND SECTION 403 OF THE CONGRESSIONAL BUDGET ACT OF 1974 HAD BEEN REQUESTED BY THE COMMITTEE BUT HAD NOT BEEN RECEIVED AT THE TIME OF

FILING THIS REPORT.

# OVERSIGHT STATEMENT

NO SUMMARY OF OVERSIGHT FINDINGS AND RECOMMENDATIONS MADE BY THE COMMITTEE ON GOVERNMENT OPERATIONS UNDER CLAUSE 2(B)(2) OF RULE X OF THE RULES OF THE HOUSE OF REPRESENTATIVES WAS AVAILABLE TO THE COMMITTEE WITH REFERENCE TO THE SUBJECT MATTER ADDRESSED BY H.R. 7073.

**\*\*21** NO SPECIFIC OVERSIGHT ACTIVITIES, OTHER THAN THE HEARINGS DETAILED IN THIS REPORT PRIOR TO INTRODUCTION OF H.R. 7073, WERE CONDUCTED BY THE COMMITTEE WITHIN THE DEFINITION OF CLAUSE 2 (B)(1) OF RULE X OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

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(Note: 1. PORTIONS OF THE SENATE, HOUSE AND CONFERENCE REPORTS, WHICH ARE DUPLICATIVE OR ARE DEEMED TO BE UNNECESSARY TO THE INTERPRETATION OF THE LAWS, ARE OMITTED. OMITTED MATERIAL IS INDICATED BY FIVE ASTERISKS: \*\*\*\*\*. 2. TO RETRIEVE REPORTS ON A PUBLIC LAW, RUN A TOPIC FIELD SEARCH USING THE PUBLIC LAW NUMBER, e.g., TO(99-495))

H.R. REP. 95-343(I), H.R. REP. 95-343, H.R. Rep. No. 343(I), 95TH Cong., 1ST Sess. 1977, 1978 U.S.C.C.A.N. 1966, 1977 WL 9636 (Leg.Hist.)

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